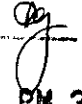


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.
05 SEP -1 PM 3: 55

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TENN. MEMPHIS

TONY LEON WHITE,

Plaintiff,

v.

No. 04-2599 B

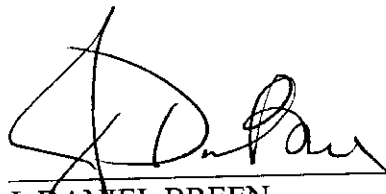
JO ANNE B. BARNHART, Commissioner of Social Security,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT & RECOMMENDATION

The plaintiff, Tony Leon White, appealed from a decision of the Commission of Social Security finding that White was not without fault in receiving and accepting an overpayment of Social Security disability payments. The Court referred the appeal to Magistrate Judge Tu M. Pham. On August 5, 2005, the Magistrate Judge entered a report and recommended that the Commissioner's decision be reversed and remanded. Because no objections were filed and based upon a de novo review of the before it, the Court adopts the report in full, REVERSES the decision of the ALJ, and REMANDS this case to the Commissioner for further proceedings in accordance with Magistrate Judge Pham's report.

IT IS SO ORDERED this 31st day of August, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 9-2-05

(16)



Notice of Distribution

This notice confirms a copy of the document docketed as number 16 in case 2:04-CV-02599 was distributed by fax, mail, or direct printing on September 2, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT